



NAVAJO DEPARTMENT OF AGRICULTURE

PROPOSED Navajo Grazing Act

Presented to:

Resources And Development Committee, NN Council

Saturday, July 14, 2012



PROPOSED Navajo Grazing Act:

1. Historical Overview
2. Legislative Process
3. Highlights
 - Full Time Employee
 - Grazing Permit
 - Grazing Fee



NAVAJO GRAZING ACT

Historical Overview

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RANGE TEAM

PURPOSE (1998)

- to establish a uniform grazing law
N.P.L.
Big Navajo
Newlands
Eastern Navajo Agency
- to regulate land resource (population growth:
1868 - 3,000; 1999 - 280,000, Current: 350,00)
- to preserve the land through proper grazing
(soil & wind erosion, excess livestock, depleted
forage)
- to promote the traditional socio &
contemporary economic aspect of livestock
husbandry

1998 – Uniform Grazing Act

Range Team Established by NNDA. (32
individuals)

Team developed the initial language.

Copy of the Uniform Grazing Act is provided to
the DGCM for their review/comment. Written
comments due to NNDA by May 1999.

OFFICE OF THE PR
The Navajo Na
Window Rock (Navajo Natio

SIGNATURE APPRO

Washburne, Director, Department of Ag

Council Resolution "Approving the Amend

Uniform Grazing Act, 3 N.N.C., §700-763"

Washburne
2/28/00 *Am. S. T.*

See Memo - Skypa for
all (see memo)

Wm. Noel

1999 – Uniform Grazing Act

Report to Resources Committee in Feb. & April
Present to Attorney General on CFR vs. NN law
issues. Attorney Assignment. BIA participation.
(April)

DGCM, ENLB, NNFB, DNR written comment period
ending May 7th.

Review all comments received. 24 subsections had
between 1 & 6 comments. 32 subsections were
commented upon. (May)

Presentation to OPVP and staff (May)

Meet with Bureau of Indian Affairs, July 8th

Report on Uniform Grazing Act by GMO:

- Resources Committee, June 10th.
- Education Committee, June 11th.
- Health & Social Services Committee, June 22nd.

Public Hearing:

- District Five, Tolani Chapter, June 11th
- Burnham, Newcomb, Sheep Springs, Two Grey
Hills Chapters, July 10th.
- Sanostee, July 11th

164 Review Package (September 1999 – April 2000)



2000 – Navajo Grazing Act

Executive SAS Review Complete (April)

Resources Committee passes NGA (July 13th –
Supporting Resolutions from – Western
and Ft. Defiance Navajo Agency Grazing
Committees

NNDA works with Hearing and Appeals to
develop administrative process for managing
land and grazing disputes regardless of NGA
status.

NNC Summer Session. Council adjourned before
item reached. (July 17th - 21st)

NNC Fall Session. Item removed from agenda to
provide “new” officials more training.

NNC Winter Session. Item deferred with directive
to provide more orientations.

2002 – Navajo Grazing Act

NNC referring NGA as Referendum Measure
during NN General Election, Nov. 2002 (Oct.
21st – 25th)



Please Note:

The research for this PP is continuing. Since the 07.14.2012 presentation NNDA offers the following information:

- The Proposed Uniform Grazing Act is a compilation of current (1999) NN grazing regulations as codified in 3 N.N.C., §701-787, §1251-1308, Chapter 7, Control and Inspection of Livestock, and §1351-1356.
- Package included conversion of grazing officials to full time equivalencies.
- Package also included provisions for the Office of the Administrative Law Judge who was to handle the administrative settlement of land and grazing disputes.
- Presentation to the Public::
 - June and July 1997: WR Ed Ctr., Dilkon, Tuba City, Shonto, Kayenta, Chinle, Teec Nos Pos, Newcomb, Crownpoint, Pueblo Pintado (1,068 attendees, 311 speakers)
 - September and October 1997: WR Ed Ctr, Naschitti, Greasewood, Tuba City, Chilchinbeto, Chinle, Pinon, Red Mesa, Shiprock, Sanostee, Nahodishgish, Huerfano, Leupp, LeChee.



Continued from Previous Slide:

- Third Round – SR, Tohatchi, Torreon, Cyrstal, Lupton, Huerfano, Dilkon, Coyote Canyon, Ft. Defiance, Klagetoh, Cornfields, Indian Wells, Sawmill, Burnham, Hogback, Mexican Water, Lukachukai, Forest Lake, Chilchinbeto, Oljato, Inscription House, LeChee, Tuba City, Ft. Defiance Gazing Committee, Western Agency Grazing Committee, Leupp, Many Farms, Sheep Conference, (Tsaile), Greyhills High School, Kinlichee, Whitecone, Nenahnezad, Sanostee, Sweetwater, Round Rock, Wheatfields, Dennehotso, Kayenta, Shonto, Coppermine, Red Lake, Cameron, Shiprock Agency Grazing Committee, Western/Chinle Agency Grazing Committee, Birdsprings Chapter, Dine' College - Chapter officials, Eastern Land Board.

All scoping and public meetings were recorded
A summary of the comments were made. RC
set April 24, 1999 as deadline to accept
comments.



Presentation made to Standing Committees:

- B&F, June 15, 1999
- Education June 11, 1999
- Economic Development, July 7, 1999
- Ethics and Rules, May 7, 1999
- Government Services, July 2
- Health and Social Services, June 22
- Human Services, May 10
- Judiciary, May 20
- Public Safety, May 14
- Resources, April 15, 1999
- Resources (164 Review), June 24
- Transportation and Community Development, June 14, 1999

Subchapter 1.
General
Provisions

Subchapter 2.
Grazing
Permits

Subchapter 3.
Grazing
Disputes

Subchapter 4.
Trespass; Civil
and Criminal
Penalties



1. General Provisions
2. Grazing Permits
3. Branding and Livestock Inspections
4. Violations, Unlawful Acts, Penalties, Damages, and Cancellations of Permits
5. Grazing Disputes





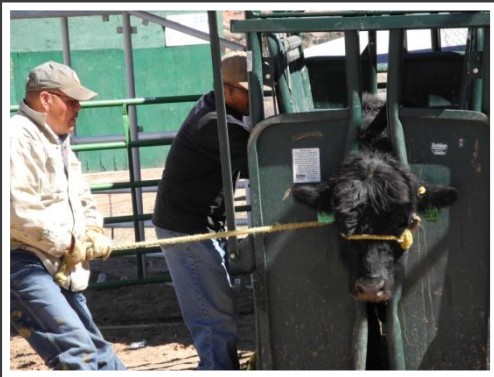
While the Navajo Grazing Act was Tabled/Deferred, portions were taken out and developed further into current law:

- Grazing Disputes

- Navajo Livestock Act

- Livestock Brand Office

Elected Officials transformed into Full Time Employee was NOT successful.



NAVAJO GRAZING ACT

Legislative Process

PROPOSED NAVAJO GRAZING ACT

Need to update
the NGA with
comments from
public meetings.

LEGISLATIVE
PROCESS





NAVAJO GRAZING ACT

Highlights – Full Time Employee

CONVERSION OF ELECTED OFFICIALS TO FULLTIME EMPLOYEES

“... The Division of Natural Resources Administration and the Department of Agriculture shall evaluate and develop a plan to change the status of elected officials (District Grazing Committees, Eastern Land Board, Farm Boards) to fulltime employees...”

Navajo Nation Council Resolution CAU-33-06, Condition of Appropriation #13, BU 115018 – Department of Agriculture

ELECTED OFFICIAL TO FULL TIME EMPLOYEE HISTORY

- 1952 DGCM established**
- 1953 DGCM elected**
- 1956 Navajo Grazing Regulations approved by BIA**
- 1969 ENLB established (off reservation grazing)**
- 1985 NFB established (Many Farms, Red Lake, Cudei, Hogback, Fruitland & Ganado)**
- 1994 NFB established (Crystal, Kayenta, Rock Point, Dennehotso, Red Valley/ Cove, Tsaile/Wheatfields, Red Willow & Western District III)**
- 2006 NNC approved CAU-33-06 with COA “to evaluate and develop plan” to change EO to FTE**
- 2007 Public hearings (Chinle, Shiprock, Crownpoint, Fort Defiance, Tuba City)**
 - NNDA reports to Resources Committee 4 times**
 - Range Technician positions classified by DPM**
 - NN Election Code changes identified**

2007 PROBLEMS

Conflicts of interest

Missed meetings

Poor conduct

Charging for services

Poor record keeping

Clients misinformed

Refusal to accept new ideas

Limited education & training

Limited English literacy

No motivation/commitment

No chain of command

Inadequate client services

No discipline for noncompliance

& nonperformance

Unavailable when needed

No info to clients

Abuse of power

No funds accountability

Not covered by LGA

Refusals to change

Limited qualifications

Lack of law/policy knowledge

Lack knowledge of legal actions

Have other jobs

Doesn't work with chapters

No Tally Counts

2007 REASON FOR CHANGE

Lack of enforcement
Lack of fairness
Range deterioration
Poor livestock mgmt
Homesite encroachment
Lack of outside funding
Stray livestock
Not part of LGA
Lengthy probates
Use of personal vehicles

No land control
Politics
Overgrazing
Burial sites
Family disputes
Poor livestock quality
Unresolved disputes
CLUP/Chapter conflicts
Idle/unused permits
Lack personal interest

ELECTED AGRICULTURE OFFICIALS FY 2012 BUDGET*

- ✓ **Accurate meeting minutes**
- ✓ **Annual tally counts / crop reports**
- ✓ **Livestock / farm management
outreach/training/education**
- ✓ **Dispute mediation**
- ✓ **Grazing / land permit investigation**
- ✓ **Conduct branding & animal husbandry practices**
- ✓ **Collect water assessment fees**
- ✓ **Range management, grazing and farm recommendations**

2007 PERFORMANCE MEASURES

Elected Official	No.	FY 2012	FY 2012 Supplemental	FY 2012 TOTAL	FY 2012 per Elected Official
DGCM	78	\$636,079	\$685,799	\$1,321,878	\$16,947
ENLB	20	\$164,182	\$281,354	\$445,536	\$22,277
NFB	43	\$130,003	\$378,069	\$508,072	\$11,816
TOTAL	141	\$930,264	\$1,345,222	\$2,275,486	\$16,138
		FY 2011	FY 2011 Supplemental	FY 2011 TOTAL	FY 2011 per Elected Official
DGCM	78	\$669,557	\$0	\$,669,557	\$8,584
ENLB	20	\$172,823	\$0	\$172,823	\$8,641
NFB	43	\$136,845	\$0	\$136,845	\$3,182
TOTAL	141	\$979,225	\$0	\$979,225	\$6,945

**Since FY 2006 mileage has not been appropriated.*

CONSIDERATIONS

Reference to “Referendum” process. Is it needed?
Amend Navajo Election Code if EO no longer elected.
Five Range Technicians/Agency (25 total). More/Less?
Added costs: payroll (\$625,000); Fringe (\$188,000);
administrative support.

Position advertisement & recruiting.

Vehicles (fuel, mileage, maintenance, insurance).

Amend organizational structure; placement within new
Brand Office?

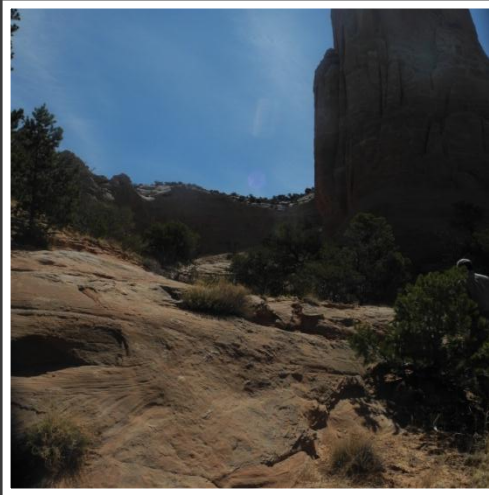
Relationship with Resource Enforcement?

Navajo Nation Council must appropriate funds.



NAVAJO GRAZING ACT

Highlights - Grazing Permit



- Must have an approved grazing permit
- Approved seasonal permit for commercial forest area
- Permitted to graze only one District & one permit per person
- No grazing permit, no Customary Use Area



- Grazing rights acquired by marriage, inheritance, permit transfer, sale
- Determination of rights in divorce
- Probate must be initiated within 6 months
- In absence of a will
 - Children
 - Grandchildren
 - Brother & Sisters
 - Nieces & Nephew
 - Parents
 - Escheat to NN

GRAZING RIGHTS & ELIGIBILITY



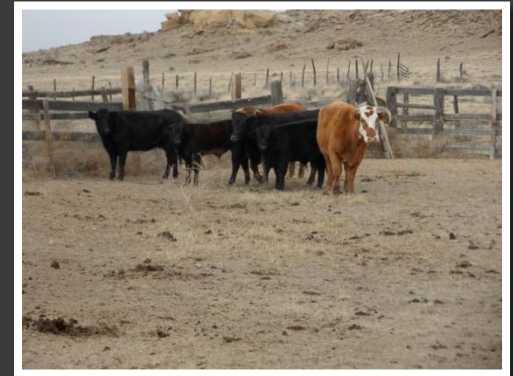
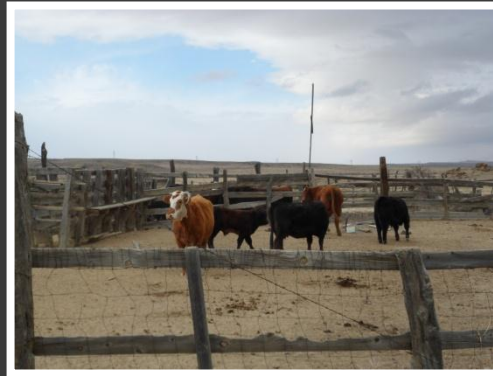
- Permit does not allow to construct on grazing area
- Improvements affixed to the land
- No burial on grazing land
- Enrolled member, over 18 years of age
- Minors can obtain through appointed trustee

DURATION, ASSIGNMENT, AND MODIFICATION OF GRAZING PERMIT



- Valid for (5) years & renewed with compliance
- Shall not be assigned, modified, use for bailment, encumbered, collateralized, without approval
- May be transferred to another permit, but shall not exceed 70 AU.
Excess must be disposed by November 15th

GRAZING CAPACITY



Establish carrying Capacity for each RMU

Animal Units shall be used

No more than (3) horses per permit

Minimum permit size shall be (10) AU

Adjustment of RMU or permit shall be;

- Conducted every (5) yrs
- Altered on LMD, RMU.CUA, withdrawal, etc
- Carrying Capacity adjusted with Mgmt & inventory



NAVAJO GRAZING ACT

Highlights – Grazing Fee



- NN shall authorize the collection and assessing of administrative fees.
- To compensate or offset the costs to the NN pertaining to grazing.
- Grazing Fee based on Animal Unit

- NN to determine the grazing fees; \$1.50 per AU per month.
- Fee due Jan. 1 with 30- day grace period
- Late charges added after grace period

EXAMPLE OF GRAZING FEE ASSESSED

Number of Authorized Animal Units	Grazing Fees Payable – for a month	Grazing Fees Payable for a Year
10 animal units (50SU)	\$ 15.00	\$ 180.00
15 animal units (75 SU)	\$ 22.50	\$ 270.00
20 animal units (100 SU)	\$ 30.00	\$ 360.00
25 animal units (125SU)	\$ 37.50	\$ 450.00
30 animal units (150 SU)	\$ 45.00	\$ 540.00
70 animal units (350 SU)	\$105.00	\$ 1,260.00

COMPARABLE GRAZING FEES

-Private Pastures :

\$ 16.00 to \$ 18.00 per month

NAPI Pasture Leases:

\$ 8.00 to \$ 16.00 per month

NM, Tribal Fee Lands :

\$7.00 per A.U. per month

NM/AZ,Tribal Fee Lands:

\$4.00 per A.U. per month

NM, Tribal Fee Lands:

\$4.00 per A.U. per month

Indian Allotments :

\$2.50 per A.U. per month

N.M. State Lands:

\$ 17.81 per A.U. per month

NN, Eastern Navajo

\$0.07 per acre or \$8.75 per

A.U. per month

U.S. Forest Service:

\$ 1.32 per A.U. per month

BLM lands:

\$ 1.35 per A.U. per month

Amount of Grazing Fees collected per month based on a range of fees charged

Agency	Authorized AU	@ \$0.50	@ \$1.00	@ \$1.75	@ \$ 2.00
Chinle	10,677	5,338.50	10,667.00	18,684.75	21,534.00
Ft.Def.	33,959	16,979.50	33,959.00	59,428.25	67,918.00
Shiprock	17,945	8,972.50	17,945.00	31,403.75	35,890.00
Western	27,937	13,698.50	27,397.00	47,944.75	54,794.00
Eastern	12,380	6,190.00	12,380.00	21,665.00	24,760.00
Totals	102,358	51,179	102,348	149,126.50	204,716

GRAZING FEE COLLECTED BUDGET

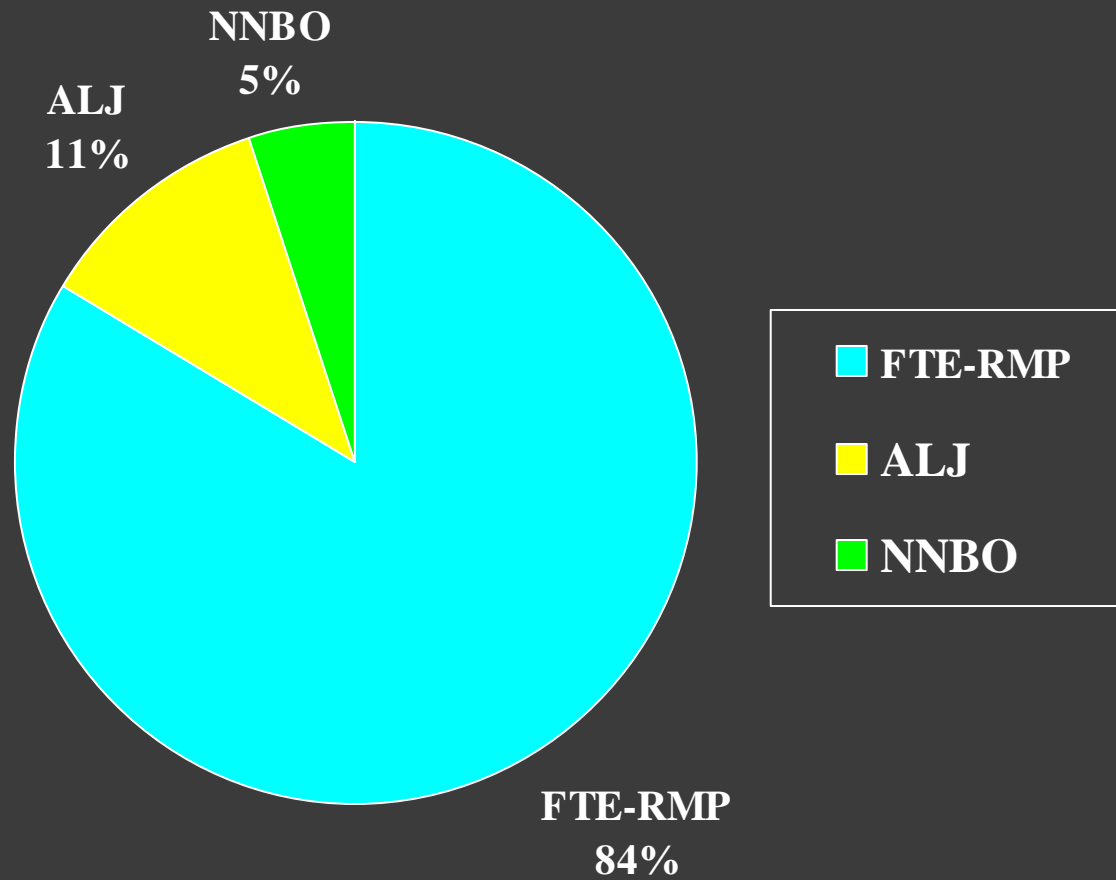
Projected Budget

Assess and Collected from Fees	\$ 1,619,904.00
Current FY2000-DGCM	\$ 936,000.00
Total Available	\$ 2,555,904.00

Proposed Use of the fees collected

FTE-Range Management Program	\$1,805,130.00
Administrative Law Judge	\$ 246,120.00
Brand Office	\$ 106,123.00
Agricultural Conservation Projects	(\$ 398,531.00)
Total	\$2,157,373.00

Plan for use of Fees Collected





THANK YOU!

